



UNITED STATES PATENT and TRADEMARK OFFICE

30 SEP 2003

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COMMISSIONER FOR PATENTS
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In re Application of : DECISION ON
Lehmann et al :
PCT No.: PCT/EP00/03860 : PETITION UNDER
Int. Filing Date: 28 April 2000 :
Priority Date: 06 May 1999 : 37 CFR 1.47(a)
Attorney's Docket No.: SMB-PT036 :
For: DEVICE FOR PERFORMING ANALYSES :
ON CELL-CULTURES :
: :
: :

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a) TO
ACCEPT DECLARATION ON BEHALF OF INVENTOR WHO REFUSES TO SIGN" filed
on 01 August 2003.

BACKGROUND

In a decision from this Office on 02 June 2003, the petition filed on 07 November 2002
was dismissed. The decision indicated that requirements (2) – (4) had not been satisfied.

On 01 August 2003 filed the instant renewed petition.

DISCUSSION

Petitioner has satisfied requirements (1) and (3) of 37 CFR 1.47(a). However,
requirements (2) and (4) have not been satisfied.

Regarding requirement (2) petitioner has not yet secured the signature of Dr. Wolf and is
still gathering proof required by 37 CFR 1.47(a)(2).

Regarding requirement (3) applicant has provided the last address known address of the
non-signing inventor, Dr. Wolf.

Regarding requirement (4), petitioner explanation that the declaration pages labeled in
order "page 1 of 2", "page 2 of 2", "page 3 of 4", and "page 4 of 4" is the entire declaration;
however, this is a defective declaration because it has three copies of page 3, each with the

signature of one of the three inventors of that page. Three copies of the same page is not part of a proper declaration since this is considered a composite declaration and each must be a complete declaration with the proper statement and the names of each inventor even though each set of declarations may not have all the signatures of the inventors. Therefore, a proper declaration must consist of three individual complete sets of declaration that taken as a whole would have all the required signatures as required under 37 CFR 1.497(a)(3).

Petitioner must submit complete sets of declarations to make a proper composite declaration with all the signatures of the singing inventors.

Consequently, the petition does not include sufficient factual proof that Mr. Wolf refused to sign the required documents.

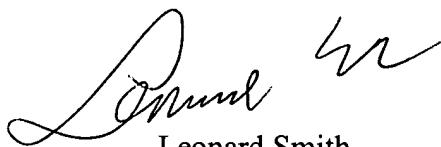
CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Second Renewed Petition Under 37 CFR 1.47(a)."

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.


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